

REMARKS

The Office Action dated October 23, 2007 has been fully considered by the Applicant.

Independent claims 1, 7 and 14 have been currently amended. Claims 2-6, 8-13, and 15-16 have been previously presented.

Claims 1-3, 5-9, 11, 14 and 15 have been rejected under 35 USC 102(b) as being anticipated by European Patent Application No. 0798875 to Kaku et al. Applicant respectfully requests reconsideration of the rejection.

Applicant's currently amended claim 1 provides for a method of installation of a broadcast data receiver to receive broadcast data for use to generate audio and/or video at each receiver broadcast continuously to a plurality of locations including the location of the receiver, the method including the steps of measuring the power level of the broadcast data signals at two predetermined spaced points on the signal band being transmitted from a broadcaster by measuring the content of automatic gain control converters relating to said broadcast data signal within the receiver and providing an amplitude correction filter which can be selectively operated on the broadcast data signal to allow the correction of amplitude variations with the frequency. The selective operation of the filter is dependent upon and responsive to the power level measurements obtained from the signal that is transmitted from the broadcaster. The broadcast data signal used for the measurement is the data transmission signal that is used to generate the audio and/or video at the receiver locations for display to the user at the receiver location for the purpose of viewing the display. Applicant believes currently amended claim 1 is novel over the Kaku et al patent and, therefore, respectfully requests reconsideration of the rejection.

Applicant's currently amended claim 1 clarifies that the broadcast data signal used for the measurement of the content is the data transmission signal used to generate the audio and/or video at the receiver locations for display at the receiver location for the purpose of viewing the display.

To adjust a line equalizer, the user of Applicant's invention measures the transmission data itself. To adjust a line equalizer, the user of the Kaku patent measures Nyquist frequency signals which have been superimposed on to the transmission data.

With respect to point 1 of the Office Action, Examiner Wang states:

The cited paragraph, column 16 lines 13-23 of the Kaku's reference does teach that the measurements require the knowledge of the training cable slop (sic).

However, in the same paragraph Examiner Wang also states:

Instead, the training signal cable slop (sic) is the calculation results of the power level of the received signal.

It is not understood how the user of the Kaku et al patent can determine results of the power level without the use of some kind of training slope since the training slope is, as stated above, "the calculation results of the power level of the received signal"?

With regard to point 2 in the Office Action, Examiner Wang has interpreted both the Nyquist frequency signals and the transmission data as being the same signal, i.e. both are part of the received input signal, and thus has not differentiated between the two.

Applicant respectfully points out to Examiner Wang that the measuring of frequency signals that have been added or super imposed onto a transmitted data signal is not the same as measuring the actual data transmission signal. The "what" that is being measured is an important difference

in understanding the distinctions between Applicant's invention and the '875 Kaku et al patent. The "what" that is being measured in the Kaku patent is the super imposed frequencies. The "what" that is being measured in Applicant's invention is the data transmission signal itself. Taking Examiner Wang's position that they are the same would be like expecting to pay the same fee at one toll booth that measures its cost on the number of passengers riding in a car at another toll booth that measures its fee based on the type of car itself. Even though both arrive at the booth by the same means, a car, the "what" that is measured (the car itself vs. items riding with the car) to calculate the fee is different and, therefore, the results and methods involved to calculate and pay the fees are different and result in different levels of revenue and value.

Applicant respectfully believes that the current invention distinguishes over the '875 Kaku et al patent and therefore requests reconsideration of the rejection.

Independent claim 7 has been currently amended to further clarify that the broadcast data signal used for the measurements is the data transmission signal used to generate the audio and/or video at the receiver locations for display at the receiver location for the purpose of viewing the display. Applicant believes that currently amended claim 7, along with dependent claims 8-13, is novel over the '875 Kaku et al patent and, therefore, respectfully request reconsideration of the rejection.

In Applicant's invention, the installation apparatus and circuitry within the broadcast data receiver is set to measure the power level at the incoming broadcast data signal at two predetermined positions, typically at the bottom and top of the band. This measurement is undertaken by measuring the content of the automatic gain converter having only one switch filter.

In addition, the relative signal strength is used in Applicant's invention rather than an absolute signal strength to set up the receiver. For instance, if the relative power difference is greater than a predetermined level, then a switch in the linearization circuit would be used for equalization as required so that the incoming signal is then within the predetermined parameters. The required differences in the high end and low end signals can be brought to within the required parameters by changing the values of the inductors, capacitors and/or resistor and obtaining varying equalization slopes.

One of the advantages of Applicant's invention is that the added circuit to the broadcast data receiver reduces the number of tuners required and therefore reduces the cost.

Therefore, Applicant sincerely believes that currently amended claim 7, along with dependent claim 8-13, is novel over the cited references and respectfully requests reconsideration of the rejection.

Currently amended Claim 14 provides a method of installation of a receiver by a user to receive digital data for use to generate audio and/or video at each receiver continuously broadcast to a plurality of locations including the location of the receiver. The method comprises the steps of measuring the power level of incoming frequency signals relating to the digital data at two predetermined spaced points on the signal band and providing means for the comparison of the measurements. If the comparison shows a value within a predetermined parameter, an indication is provided to the user. And, if the comparison shows a value out with the predetermined parameter, a control system in the receiver adjusts the operation of one or a combination of components within the receiver until the value is within the predetermined parameter. The data transmission signal from

which the audio and/or video is generated at the receiver locations for display to the user at the receiver location for the purpose of viewing the display is also used for the measurements.

Applicant believes that currently claim 14, along with dependent claims 15 and 16, is novel over the '875 Kaku et al patent for the above reasons.

Claims 12, 13 and 16 have been rejected under 35 USC 103(a) as being unpatentable over European Patent No. EP0798875 to Kaku et al in view of United States Patent No. 5,991,339 to Bazes. Claims 12 and 13 depend on currently amended independent claim 7 and are believed novel over the references as cited herein. Claim 16 depends upon independent claim 14 and is believed to be novel over the cited references as stated herein with reference to claim 14.

Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaku et al in view of United States Patent No. 6,542,540 to Leung et al. Claim 4 is dependent upon currently amended independent claim 1. Applicant believes that currently amended claim 1 is novel over the cited references as herein stated and, therefore, it is believed that claim 4 is also novel for the same reasons.

Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaku et al in view of United States Patent No. 6,167,081 to Porter et al. Claim 10 depends upon currently amended independent claim 1. Applicant believes that claim 10 is novel over the cited references as stated above.

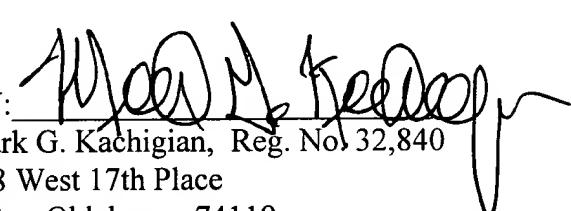
It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is

requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

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